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JOSEPH F. SPANIOLO, JR.
CLERK

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No. 87-677

In The

Supreme Court Of The United States

OCTOBER TERM, 1987

TITUS J. CASAZZA,
Petitioner,

v.

JOAN O. HOLBROOK,
Respondent.

GALA H. NORDQUIST,
Petitioner,

v.

JOAN O. HOLBROOK,
Respondent.

APPENDIX TO
RESPONDENT'S BRIEF IN OPPOSITION

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APPENDIX TABLE OF CONTENTS

	Page
1. Excerpted trial testimony of Donald Zimbowski, chief investigator for State Office of Policy and Management	1-17A
2. Excerpted trial testimony of Petitioner Gala Nordquist	18-40A
3. Excerpted trial testimony of Petitioner Titus Casazza	41-103A
4. Trial court memorandum of decision on motion for judgment n.o.v. in <i>Holbrook v. Nordquist</i>	104-105A
5. Trial court memorandum of decision denying motion to set aside verdict in <i>Holbrook v. Nordquist</i>	106-110A
6. Trial court memorandum of decision on motion for judgment n.o.v. in <i>Holbrook v. Casazza</i>	111-112A
7. Trial court memorandum of decision denying motion to set aside verdict in <i>Holbrook v. Casazza</i>	113-117A



Donald Zimbowski called by the plaintiff;
testimony given on direct examination:

* * * * *

(T.p.p. 214-215)

Q. And did you interview the entire Board of Assessors, that is Holbrook, Nordquist and Casazza?

A. Yes.

Q. And did you interview the appraisal firm or revaluation company president, Mr. Viogrande (phonetic)?

A. I did.

Q. And did you also interview his job project supervisor, a Carroll Likner (phonetic)?

A. Yes we did.

Q. And as a result of your investigation and your familiarity with 12-62 of the Statutes, did you come to reach a conclusion as to whether the charge that Joan Holbrook had made unilateral changes to assess valuations was true or false?

A. False.

Q. And that appears in your report?

A. It does.

Q. Did you find that any unilateral changes had been made in violation of the Statute as Casazza and Nordquist had charged?

A. None.

Q. Now the second charge in that report of April 29th was that substantive changes had been made to the grand list subsequent to its signing contrary to General State 12-60. Did you investigate that charge while you were investigating the other?

A. Yes we did.

Q. And did you reach any conclusions?

A. Yes.

Q. Will you state briefly what that conclusion was?

A. Can I read from my notes.

Q. Sure. I think we already have them in evidence, don't we?

A. Yes.

Q. That's your report your talking about?

THE COURT: It's already in evidence.

Q. Yes, we have your report in evidence as Exhibit 4. Go ahead.

A. Therefore, the charge outlined in two above is found to be invalid. Shall I continue.

Q. No, I think that's an answer to the question.

A. OK.

Q. So all of the changes that had been referred to in paragraph two of the complaint had in fact performed legally and legitimately in the Town of Westbrook by the Board of Tax Review?

A. Yes they were.

* * * * *

(T.pp. 232-233)

Q. Now, the policy that had been followed was it in anyway to your knowledge illegal or improper?

A. To the best of my knowledge, no.

Q. All right, what was the recommendation you nevertheless made?

A. The recommendation was that accompanying these change slips should be also attached a certificate of correction, spelling out the property in the amount of reduction or increase.

Q. And would that certificate of correction be issued by the Board of Tax Review back to the assessor's office?

A. It would go from the assessor to the Board of Tax Review.

Q. And would it also return then back to the assessor?

A. A copy of.

Q. That was purely a procedural matter I take it?

A. Exactly.

Q. When you spoke to Mrs. Bushnell about the change slips that had issued in this case, did she produce the change slips for you to review?

A. Yes.

Q. And were there twenty-seven of them?

A. Yes.

Q. And did you take a look at each of those changes and make a judgment as to whether they constituted clerical errors or something else?

A. Fred and I asked her specifically on each of the twenty-seven, why the changes were made.

Q. And did they all deal with clerical errors?

A. Yes.

Q. And in your judgment, they were all appropriate changes?

A. Yes.

Q. Did you after meeting with Mrs. Bushnell and determining this information, did you communicate that information to Mr. Casazza during the course of your investigation?

A. That I'm not sure of.

Q. Do you recall whether Mr. Casazza was advised that Mrs. Bushness had made all of the

twenty-seven changes properly, and he still contended that they were made by Holbrook, that is whether he persisted in his contention after you had given him some information to the contrary?

A. I think somewhere during investigation that did transpire.

MR. ERRANTE: I couldn't hear that I'm having difficulty hearing the witness, Your Honor.

A. Somewhere during this investigation that did transpire.

* * * * *

(T.pp. 242-244)

Q. Did Mr. Casazza discuss his views of the laws with you?

A. Yes.

Q. And did you discuss with him your interpretation of the laws?

A. Yes.

Q. And did you at any time, were you able

to persuade Mr. Casazza that your view was correct and his was incorrect?

A. I don't believe so.

Q. And this was a man that on the basis of your education, training and experience, you believe was a competent assessor or competent to be on a Board of Assessors, correct?

A. Correct.

Q. Now, in your report I believe you mentioned that Mr. Casazza charged Mrs. Holbrook with bias?

A. That's correct.

Q. And can you elaborate on that, that is can you tell us what it was that he said?

A. To the best of my recollection, he claimed that Joan Holbrook had made assessments in favor of her friends and had increased assessments on those that were not in her favor.

Q. Did you find any evidence to support that accusation?

A. None.

Q. And you looked at all of the data that Mr. Casazza supplied you with?

A. Reviewed it all.

Q. Now, with respect to the people that he claimed that she had increased assessments on because they were in her disfavor, can you recall the names of those people?

A. Would it be possible to look through the street cards.

Q. Yes. And let me see if I can refresh your recollection if that does not.

A. Casey is one.

Q. Was Casey one that he said was increased or reduced?

A. I would say increased, possibly decreased. There were many properties we had looked at.

Q. Well, I ask you to look at the card. Do you have a card there for a Mr. Wilcox?

A. Yes, increased.

Q. And did Mr. Casazza make any statements

about Mr. Wilcox's property and Mrs. Holbrook?

A. There was much discussion, but I really don't recall.

Q. Did he accuse Mrs. Holbrook of having increased Mr. Wilcox's taxes?

A. I believe that was one of the three, yes.

Q. Was Mr. Tony or Mauro Bissacian (phonetic) another one?

A. Yes, that rings a bell.

Q. And was Mr. Willa a third?

A. What's the last name?

Q. Willa, W-i-l-l-a.

A. That I don't recall.

Q. And did you review the assessments and the assessment procedures on each of those properties?

A. Yes.

Q. And did you find any evidence of partially or bias?

A. No.

* * * * *

(T.pp. 247-249)

A. Aside from the erasures I believe he thought that some of the values were out of line.

Q. And did he discuss basis for that?

A. Yes, there was discussion.

Q. And did you review those questions of value?

A. Yes, we did.

Q. And did you find that the values were out of line as he urged, or did you find that the values were within the range of value for an assessor to put on the property?

A. In our opinion, they were within the range.

Q. Is there in terms of an assessor establishing the value for a piece of property, is there a range within which it's reasonable for the assessor to operate?

A. Yes, there are various guidelines.

Q. And I suppose, let me ask the question,

and it's possible to exceed that range by putting too high a value if you go outside the scale at one end and exceed the scale at the other end by placing too low a value on the property?

A. Yes, there are other factors involved.

Q. Can you recall how many properties you looked at where Mr. Casazza had accused Holbrook of placing an improper value on the property?

A. Could I have the question again.

Q. Yeap, I'll reframe it. Can you recall how many properties Mr. Casazza charged Holbrook with placing an improper value on?

A. The majority of the three twenty-three and the twenty-seven.

Q. And did you review all of those?

A. We did.

Q. And you found that the values were within the proper range for an assessor to establish?

A. In our opinion, they were.

Q. In the course of your investigation, did

you take a look at all or consider the timing of the work that was being done by the revaluation company headed by Mr. Viogrande (phonetic)

A. Yes, we discussed that with Mr. Viogrande (phonetic).

Q. And can you tell us whether they were timely in getting their work in or not?

A. To the best of my recollection, it was very close.

Q. By close, what do you mean, can you elaborate please?

A. Well, first of all, the Board of Assessors for the Town of Westbrook did ask for an extension which meant that the completed project probably was being delayed.

Q. When you spoke with Mrs. Holbrook, did you discuss with her the review process that she had conducted as an assessor?

A. Yes.

Q. And did she discuss with you whether or not she had done a field review on every piece of

property for which she had made a correction or change?

A. Yes.

Q. And what did she tell you?

A. She claimed she had made those reviews.

MR. ERRANTE: Your Honor, could you ask the witness to speak just a little louder, I can't see him, so it makes it a little bit more difficult for me to hear him.

THE COURT: All right, try to keep your voice.

Q. And did your investigation confirm that she had done a field review on each case where she had made a change or correction?

A. Aside from asking Joan Holbrook if she had reviewed them in the field, I went out and reviewed them myself.

Q. And did you confirm the values that she had arrived at in terms of being within a legitimate range for an assessor to establish?

A. Yes, I did.

Q. You issued a report of your investigation and can you tell me on what date that report was issued?

A. It was submitted to Mr. Morrison on June 22nd.

Q. That would be 1982?

A. 82, right.

* * * * *

(T.pp. 269, 270)

Q. Did Mr. Casazza at any point address a complaint to you in which the substance of it being that based on individual records that he was supplying Mrs. Holbrook had reduced values on properties in which her husband had some ownership interest?

A. Yes, that was discussed.

Q. And did you review the records that were supplied and available?

A. We reviewed everything that Mr. Casazza had submitted to us.

Q. And did you find any evidence that that

accusation was true?

A. No evidence.

Q. I think you said before that Mr. Casazza made a complaint that some properties were improperly classified as landlocked by Mrs. Holbrook?

A. It's true.

Q. And did you find any evidence that that was so?

A. I don't recall a specific property that Mr. Casazza requested we look at, but I'm sure it was the valuation we were concerned in and the landlocked had to do with the value of the property.

Q. Did you find any evidence of any merit to his contention?

A. No.

Q. Did Mr. Casazza address to your attention a complaint with respect to a piece of property on which a garage was located and operated by a Mr. Woodstock that the value had

been improperly reduced by Mrs. Holbrook as an assessor?

A. Yes, we reviewed that property.

Q. And did you find that there was any truth or merit to that contention by Mr. Casazza?

A. No truth.

* * * * *

(T.pp. 273, 274)

Q. And was their signing of the abstract the actual valuation by the assessors of all that property that was on the list?

A. That's true.

Q. Is there any requirement by regulation Statute or otherwise that you're aware of that requires two assessors to go out and examine a piece of property that's being reviewed and to concur in any change on the field card?

A. Generally in cases of Boards of Tax Review, individuals from the Board do their own review.

Q. There is no requirement, I take it, if

there's gonna be change from a reval company suggested appraisal that it has to be concurred in at the time of the change by a majority of assessors?

A. It should be approved by the majority, any changes.

Q. And that approval you've said is the signing of the abstract itself?

A. That's true.

Q. When Mr. Casazza originally presented his complaints and his list of the properties on which he claimed something was wrong, did he tell you that, or did he accuse Mrs. Holbrook of having changed all four hundred and twenty-five values?

A. Yes.

Q. And it was during your investigation, I take it, you discovered that a hundred and some odd had been done by the reval company rather than Mrs. Holbrook?

A. That's true.

* * * * *

The defendant Gala Nordquist, called by the plaintiff: testimony given on direct examination:

* * * * *

(T.pp. 555-560)

Q. And in the assessors office, is it true that your work was limited to clerical work?

A. Yes.

Q. You stuffed envelopes, typed labels and so on?

A. Yes.

Q. And Joan Holbrook actually did all of the assessing work?

A. Yes.

Q. And Mr. Casazza wasn't in the office very often, was he?

A. No.

Q. Now, do you remember the revaluation beginning sometime in 1980?

A. Yes.

Q. And Joan continued to do all of the assessors portion of the work during the

reevaluation?

A. Yes.

Q. And you sat across the desk from her in the same office and talked with her from time to time during almost everyday, isn't that true?

A. Yes.

Q. And did Westbrook hire an appraisal firm to assist the Board of Assessors during the reevaluation?

A. Yes.

Q. Was that Lescher Glendenin (phonetic)?

A. Yes.

Q. And was its principal a Mr. Viogrande?

A. Yes.

Q. And is that the same person who's been sitting here in the court virtually everyday during the trial?

A. Yes, he's been here.

Q. Is he sitting here in the courtroom now?

A. Yes.

Q. And can you point him out please?

A. He's right there.

Q. Well, is he the gentleman with the hand up and the dark hair and glasses?

A. Yes.

Q. Now, the purpose of the revaluation was to reappraise and reassess all of the property in Westbrook, wasn't it?

A. Yes.

Q. And the appraisal company made use of the Town records in their work?

A. Yes.

Q. And did appraisal company employees come into the office on a regular basis?

A. Yes.

Q. And did they confer with Joan about the values that were being placed on properties?

A. Occasionally yes.

Q. And did you participate in those conversations or simply listen to them?

A. I heard bits and pieces, but I was never included in the discussions.

Q. None excluded you, did they, you could have joined in had you cared to, wasn't that true?

A. Yes, I believe so.

Q. But the appraisal company employees never came to you and spoke to you about assessing matters, did they?

A. No.

Q. And they did not speak to Mr. Casazza either because he wasn't around, isn't that true?

A. Can I explain something why Mr. Casazza wasn't there.

Q. His attorney can ask you for the explanation, my question is more limited.

A. Oh, OK.

Q. They didn't speak to him because he wasn't around, isn't that true?

A. He was, I wouldn't say he wasn't around all the time. He did come in.

Q. And how often did he come in?

A. Now that I don't recall.

Q. And for a period of time we heard from

Mr. Casazza, he was in the office doing work of the revaluation company by transferring data onto the field cards, and is that what you meant by he was around for a period of time?

A. Yes.

Q. And he said that that happened from September to November, if I recall his testimony correctly, would you agree with that?

A. Yes, I believe so.

Q. Would you agree that you lacked the necessary skill or training to involve yourself in determining property values?

A. Yes.

Q. And you were not even aware of the standards that were used by assessors to determine property values, were you?

A. No sir.

Q. And you were unfamiliar with how adjustments to value were made based on property limitations, such as wetlands or landlocked property or unbuildable lots or interior lots, you

were unfamiliar with how to go about making any adjustments to base value for those considerations, isn't that true?

A. Yes.

Q. And Joan Holbrook during the period of the revaluation, was she going out and inspecting properties?

A. I don't recall.

Q. Would you agree that it was assessors who had the final say in determination in the value to be placed on any property, rather than the appraisal company?

A. Well, my feelings on that is we hired the company to come in and do this for the Town, and I would assume the assessors have the last word, yes.

Q. I didn't hear your answer, I'm sorry.

A. I would assume that the assessors would have the last word.

Q. Now, the appraisal company was running late in getting their work in to Joan Holbrook,

isn't that true?

A. Yes.

Q. And at what point in time, did you observe revaluation company employees working in the Westbrook Town Hall but working on a revaluation for another community?

A. That I'm not aware of, I don't recall.

Q. You have no memory of seeing revaluation company employees working on a reval for Orange?

A. I don't recall.

Q. And would you agree that time in this revaluation process was becoming critical late in 1981?

A. Yes.

Q. And an extension of time was obtained from January 31st to February 28th, isn't that true?

A. Yes.

Q. And the assessors abstract then had to be signed by the end of February, that was a requirement of law that you knew about, correct?

A. Yes.

Q. Now, among your clerical duties, were you assigned the task of taking the figures that had been reviewed and corrected by Joan on the field cards and taking them to the computer company that was printing up the abstract for the Town?

A. Would you repeat that again please?

Q. Yes, I will. As part of your clerical duties, did you take the corrections that Joan Holbrook made to certain records and transport them to the computer company or send them to the computer company which was printing up the abstract?

A. Yeah, I guess so.

* * * * *

(T.pp. 566-571)

Q. Now at the time you signed the abstract you were satisfied that all of the entries in the abstract were proper, isn't that true?

A. Yes.

Q. And Mr. Casazza was in the Town Hall at that time too, wasn't he?

A. Yes.

Q. But he refused to sign the abstract, isn't that true?

A. Yes.

Q. And he offered no criticism of the work at that time did he?

A. No. He just wanted to review the books.

Q. And had anyone ever denied him access to the records to your knowledge?

A. No.

Q. Did anyone ever deny you access to any of the assessor's records?

A. No.

Q. And you'll agree I think that to validate the abstract it required the signature of the majority of the Board of Assessors meaning two out of the three?

A. Yes.

Q. And you knew that at the time you signed

it, isn't that true?

A. Yes.

Q. Now at the time you signed the abstract you were satisfied that all of the entries in the abstract were proper, isn't that true?

A. Yes.

Q. And after signing the abstract you never went back to review any of the entries, did you?

A. No, I didn't.

Q. And you never went back to Joan Holbrook at any time after you had signed the abstract and asked her to explain to you any of the corrections or changes that had been made of the revaluation company's work on some properties, isn't that also true?

A. I have to answer yes or no?

Q. Yes.

A. Yes.

Q. Now Joan Holbrook never made any changes or alterations in the grand list after you both signed it, did she?

A. That I don't recall.

Q. Well let me again refer to your deposition. See if this refreshes your recollection. Referring you to the question that begins at line twenty, would you just read that please?

MR. ERRANTE: What page?

MR. SULLIVAN: Twenty-eight.

Q. Would you like me to repeat the question?

A. My answer is no.

Q. I know you mean Joan never made any alterations to the grand list after it was signed, did she?

A. To my knowledge, no.

Q. And after you had signed the grand list you never went back to review any of the entries that had been made in it, did you?

A. No.

Q. Now were you aware that just after Joan returned from vacation on the fourteenth of

January, that she questioned Titus Casazza on the ethics of his having obtained a reduction in value on his own property?

A. Would you repeat that?

Q. Yes. Were you aware that Joan Holbrook, shortly after January fourteenth, accused Mr. Casazza of having acted unethically in obtaining a reduction in value on his own property?

A. No, I'm not aware of that.

Q. You never heard that before?

A. I knew of it but I don't recall if it was after vacation or before vacation or when it was exactly.

Q. But you do know that it occurred before Mr. Casazza brought any charges or accusations against Mrs. Holbrook, don't you?

A. Yes.

Q. Now to your knowledge Mr. Casazza never bothered examining any of the assessor's records prior to February 23, did he?

A. Right.

Q. But after February 23, he began burrowing into the assessor's records, isn't that true?

MR. PESKA: Object to that characterization.

MR. SULLIVAN: You mean to burrow?

MR. PESKA: I'm sure you can think of another word.

CONTINUED DIRECT EXAMINATION BY MR. SULLIVAN

Q. He began examining the assessor's records after the abstract had in fact been signed on February 23?

A. Am I allowed to just say yes or no or could I comment on--

Q. You're allowed to say yes or no if the question can fairly be answered yes or no, and I'll leave it to your attorney to bring out any explanations you may want to add later.

A. OK, ask me that again.

Q. Sure. Mr. Casazza first began to examine the assessors records on or after February

23rd?

A. Yes.

Q. And about a week later, that is just about the beginning of March, he first brought to your attention that many of the field cards had had their values changed from what the reval company had initially put on them, isn't that true?

A. Yes.

Q. And that the method of doing this had been by erasing the figures corrected and simply writing in the new figures?

A. Yes.

Q. And he told you that the erasures on these cards were wrong, didn't he?

A. He just explained to me that there were erasures.

Q. Well, will you look at Page 33 of the deposition transcript you're holding in your lap. The question at the very top of the Page.

A. My answer is yes.

Q. Let me repeat the question to you. Titus told you that the erasures were wrong, isn't that true?

A. Yes.

Q. And you believed him, isn't that also true?

A. Yes.

Q. When he said that you believed him?

A. Yes.

Q. Now, nevertheless, you've already said you never went back and asked Mrs. Holbrook to explain any of the changes or corrections, isn't that true?

A. Yes.

Q. Now, Mr. Casazza thereafter prepared a list of about four hundred and forty-five properties on which erasure type corrections had been made in the field cards?

A. Yes.

Q. And he also prepared a list of twenty-seven properties for which changes had been

made in the assessments after you and Joan Holbrook had signed the abstract of February 23rd?

A. Yes.

Q. And he told you that Joan Holbrook had made those twenty-seven changes in the grand list after you had signed it, didn't he? By he, I mean Titus Casazza.

A. Yes.

Q. And you believed him again didn't you?

A. Yes sir, I did.

Q. Coming back to the business of your role on the Board of Assessors, it had always been of a clerical nature?

A. Yes.

Q. But you understood that the revaluation company as an appraisal company simply was assisting the assessors?

A. Yes.

Q. And you knew that the ultimate determination of value as an assessors responsibility and not the appraisal company's?

A. Yes.

Q. And knew that Joan Holbrook was the only member of the Board with the skill and competence to determine property values?

A. Yes.

Q. And that was exactly the work that she'd been doing, isn't that true?

A. Yes.

Q. Now, Mr. Casazza was not only questionably qualified for this work, but he was not around to do it, was he?

A. No.

* * * * *

(T.pp. 587-589)

Q. Now, after the meeting of April 28th in the selectman's office with Town Counsel, Mr. Casazza prepared a letter for you and he to sign, that is he gave you the contents of a letter, isn't that true?

A. Yes.

Q. And you typed up the letter?

A. Yes.

Q. And that's the letter you sent to O.P.M.?

A. Yes.

Q. Showing you exhibit 1 and is that the letter that we're talking about?

A. Yes, it is.

Q. You typed it up on April 29th of 1982?

A. Yes.

Q. You signed it on that date?

A. Yes.

Q. Did Titus sign it in your presence?

A. Yes, he did.

Q. And you signed it as chairman now of the Board of Assessors for the Town of Westbrook, isn't that true?

A. Yes.

Q. And Mr. Casazza signed as a member of the Westbrook Board of Assessors?

A. Yes.

Q. And in that letter, you accused Joan

Holbrook of violating two Statutes having to do with assessing?

A. Yes.

Q. Statute 12-62 and Statute 12-60, is that correct?

A. Yes.

Q. Had you ever read either one of those Statutes before you signed that letter?

A. The first one where it says the changes were made unilaterally, I didn't read the Statute, because I figured this was what it was all about.

Q. Isn't it true that you never read either one of those Statutes before you made those charges?

A. Yes sir.

Q. And isn't it also true that you have never read those Statutes?

A. Yes.

Q. Not since the charges were made, you've never resorted to the Statutes?

A. No.

Q. And before you sent that charge against Joan Holbrook to O.P.M., you didn't consult a lawyer, did you, and ask his advice about the meaning of the Statutes?

A. No.

Q. And you didn't consult any other assessor?

A. No.

Q. The only person you consulted with was Titus Casazza?

A. There were other people that were involved.

Q. The only person you consulted with in making the charges was Titus Casazza, isn't that true?

A. Yes sir.

* * * * *

(T.pp. 592-593)

Q. And the conversations that you had with the reporters had to do with the controversy, that is the charges that you were making against Joan

Holbrook, isn't that true?

A. No.

Q. You never talked about the charges to them.

A. It was topic of conversation.

Q. Were you present in the courtroom when Mr. O'Brien testified?

A. Yes sir, I was.

Q. And did you hear him say that he had spoken to you on several occasions about the matters in controversy?

A. Yes.

Q. And you did speak to him on a number of occasions about the controversy of the assessors, isn't that true?

A. Yes.

Q. And you also spoke, when you spoke to Mrs. Frattini on an almost daily basis frequently spoke of the controversy involving the assessors, isn't that true?

A. No, that's not true.

Q. Did you ever talk to her about the controversy involving the assessors?

A. No, I didn't.

Q. It was a topic that never came up between you and Mrs. Frattini?

A. No.

Q. Coming back to your charges of April 29th in exhibit 1, without having read or reviewed either Statute and without consulting anyone for legal advice or consulting any assessor for an assessor's advice, you brought these charges against Joan Holbrook in your capacity as chairman of the Westbrook Board of Assessors?

A. Yes.

Q. Now, O.P.M. is short for Office of Policy and Management I understand?

A. Yes.

Q. Is that your understanding as well?

A. Yes.

Q. And was that your understanding in 1982?

A. Yes.

Q. And did you also understand that the Office of Policy and Management was an agency of the government of the State of Connecticut?

A. Yes sir, I did.

Q. And did you also understand that the Office of Policy and Management was the government agency that supervised assessors offices throughout the State?

A. Yes.

Q. Now, the O.P.M. sent in a team of two men to investigate your charges, isn't that true?

A. Yes.

Q. And those two men were Mr. Donald Zimbouski and Mr. Fred Schumora (phonetic)?

A. Yes.

* * * * *

The defendant Titus Casazza, called by the plaintiff; testimony furnished on direct examination:

* * * * *

(T.(2)pp. 89)

Q. You had no particular education or training as an Assessor before March of 1981, did you?

A. No sir. Only as an appraiser.

* * * * *

(T.(2)pp. 92-95)

Q. You were aware that course in assessing were actually given at the University of Connecticut, were you not?

A. Yes, sir.

Q. But you never took any of those courses?

THE WITNESS: No.

THE COURT: All right.

BY MR. SULLIVAN:

Q. And the time you were appointed as Assessor for the first time in March of 1981, no

one explained assessing duties to you, did they?

A. Prior or at that time, sir?

Q. At that time.

A. Yes. We had discussions, yes.

Q. Can we have Mr. Casazza's Deposition transcripts, please? Did you bring any papers to the stand with you, Mr. Casazza?

A. Papers? Yes, sir.

Q. And did you bring your Deposition transcripts with you?

A. No, sir. No, sir.

Q. The last question I asked of you was when you were appointed as an Assessor, did anyone explain the duties of assessing to you?

A. When I was appointed, sir, in the course of my working the duties were explained to --

Q. The question requires if you can do it, a yes or no answer. Let me, do you recall your Deposition being taken in my office on four different half days or part days?

A. Yes, sir.

Q. And you reserved the right to review and sign the transcript before it became an official transcript of your Deposition, did you not?

A. Yes, sir.

Q. And were you represented by an attorney, in the fact Mr. Errante sitting over here?

A. Yes, sir.

Q. At each of those Depositions?

- A. Yes, sir.

Q. Well, just for the purpose of refreshing your recollection, if you look at the bottom of page 19 and the top of the following page, the time your Deposition was taken the answer to your question was no. It is actually not really, wasn't it?

A. Yes, sir. That is when I was appointed, sir.

Q. Now, we have reviewed your education and training and work experience?

A. Yes, sir.

Q. And you have had no law training in your

life, have you?

A. I don't know how to explain that, sir.
While I was in the Fire Department --

Q. Would you look at page 20 of the Deposition transcript, that's before you and see if that helps you explain your answer to the last question? Do you see where you were asked the question? Did you ever have any law training of any kind. And your answer was no?

A. Yes, sir.

Q. Is your answer still no?

A. Well I don't really know how to qualify it.

Q. I am not asking you to qualify it, you did answer no at the time?

A. That's right, sir, yes.

Q. And you were never certified as an appraiser, were you?

A. I had completed a course in appraisal.

Q. My question is whether you are certified?

A. No.

Q. And you were never certified as an assessor, were you?

A. No, sir.

Q. But you formed your idea of assessing duties entirely on your own, isn't that true?

A. No, sir.

Q. Would you look at page 21 of your Deposition transcript -- by the way this Deposition was given under oath --

A. Yes, sir.

Q. At the time, was it not? At the top of page 21, you see the question, So it was pretty much one of self teaching it as you describe it as to being an assessor, and your answer was, Yes, I'd say that, yes.

A. May I read?

* * * * *

(T. (2)pp. 97)

BY MR. SULLIVAN:

Q. You did say at your Deposition that as

to being an assessor you were pretty much self taught?

A. As far as the statutes.

* * * * *

(T.(2)pp. 98)

A. I know that at that point I didn't know at that time, sir.

Q. You knew she was Chairman of the Board of Assessors?

A. Yes, sir.

Q. And the work that you did as an assessor was done under the direction of Mrs. Holbrook?

A. Yes, sir.

Q. Now, prior to January 7th of 1982, I think you testified briefly the nature of your work in the office was to write land data on field cards for the Reval. Company?

A. Yes, sir.

* * * * *

(T.(2)pp. 100-102)

Q. The revaluation was under way at the

time of your appointment to the Board, isn't that true?

A. Yes, sir.

Q. And Holbrook, Joan Holbrook that is, was doing the majority of the assessor's work?

A. Yes, sir.

Q. And she received field cards from the Reval. Company?

A. Yes, sir.

Q. And she did the review of those cards, herself?

A. Yes, sir.

Q. And she reviewed them for errors?

A. Yes, sir.

Q. And you did not review the field cards for errors?

A. No, sir.

Q. And Nordquist did not review the field cards for errors?

A. Yes, sir, she did.

Q. She did?

A. Yes, sir.

Q. Did she do that in your presence, prior to February 23, of 1981?

A. Yes, sir.

Q. Were you here when Mrs. Nordquist testified about her work as an assessor?

A. Yes, sir.

Q. But you are saying you observed her reviewing field cards for errors prior to February 23 of 1981?

A. Yes, sir. One week.

Q. And that was the week that Mrs. Holbrook was on vacation?

A. Yes, sir.

Q. And January 7, 1982 to January 14?

A. Well, January 6 was when I went in to the 14th.

Q. Now, apart from Mrs. Nordquist's participation in the review during that week of Mrs. Holbrook's absence, neither you nor Mrs. Nordquist participated in reviewing the field card

data, did you?

A. I wouldn't know, sir.

Q. Well you never corrected any errors on the field cards submitted by the Reval. Company, did you?

A. Myself, personally, no, sir.

Q. Yes. And you never rechecked the data in the work box, did you?

A. No, sir.

Q. And you never sent the work back to the computer company for revision?

A. No, sir.

Q. You never checked the computer printout for further errors, did you?

A. Yes, sir.

Q. Was that after February 23 or before?

A. After February 23, sir.

Q. Now, the final abstract was printed up by the computer company and that became, once it was signed by the majority of assessors, the grand list for the Town of Westbrook for October 1st of

'81, can we agree on that?

A. Yes, sir.

Q. And Holbrook was the primary workhorse during the revaluation.

A. Yes, sir.

* * * * *

(T.(2)pp. 104-106)

BY MR. SULLIVAN:

Q. Can we agree that Mrs. Nordquist was doing only clerical work in the Assessor's office?

A. For the period I saw her I would agree, what she was doing when I wasn't there I have no knowledge.

Q. Now, you were unaware of changes or corrections being made by Mrs. Holbrook during the revaluation period, isn't that true?

A. That's right, sir.

Q. And you would agree that it's the sole responsibility of the assessors to place the final value on property in the Town of Westbrook?

A. Yes, sir, the assessors, right, sir.

Q. Would you also agree that there were more than five thousand parcels of real estate in Westbrook to be revalued during the revaluation of 1981?

A. Yes, sir.

Q. And the function of that appraisal or Revaluation Company was to act as an aid to the Board of Assessors?

A. Yes, sir.

Q. Now a field inspection of each property was necessary for the revaluation, isn't that true?

A. Yes, sir.

Q. And apart from one street, were you unaware of what field inspections were being done by Mrs. Holbrook during the revaluation?

A. "Apart from one street", I don't know what you mean, sir.

Q. You were aware of the case of one street Mrs. Holbrook had gone out and inspected the

properties and one particular street, isn't that true?

A. One area, sir, I don't know.

Q. What was the area?

A. Old Mail Trail, sir.

Q. Is that more than one street?

A. Well, the area, in through that area, yes, sir.

Q. Apart from that you were unaware of what field inspection she may have been doing?

A. I was unaware, sir.

Q. Now when -- strike that. You did not review any field cards until after February 23 of '82?

A. That's right, sir.

* * * * *

(T.(2)pp. 110-111)

Q. In the month of September, you put in a total of twenty-nine hours, isn't that true?

A. That's right, sir.

Q. And in the month of October, you worked

a total of seventy-nine hours?

A. That's right, sir.

Q. And the month of November, for the whole month, you put in fifty-four hours?

A. Right, sir.

Q. And then in December you were back down to eighteen hours?

A. Right, sir.

* * * * *

(T. (2)pp. 113-114)

Q. And you knew that the abstract was assigned by a majority of the assessors on February 23 at the Town Hall?

A. Yes, sir.

Q. And the people that signed it were Mrs. Holbrook, Chairman of the Board and Mrs. Nordquist?

A. Yes, sir.

Q. You were present in the Town Hall when that abstract was being signed, weren't you?

A. Yes, sir.

Q. You were aware, however, were you not, that once the abstract was signed by a majority of the assessors, it became the grand list and placed the official values on property in the town?

A. Yes, sir.

Q. Did you also know that the grand list, once it was assigned by the assessors, went to the Board of Tax Review?

A. Yes, sir.

Q. And did you know that the Board of Tax Review sat for a period of one month?

A. Yes, sir.

Q. And did you know that their function was to review the grand list for any errors and to accept appeals from interested property owners?

A. Yes, sir.

Q. But at the time all this went on you did not understand the Board of Tax Review procedures for making changes in the value of property, did you?

A. Other than the statutes, sir.

Q. Well you had never sat on a Board of Tax Review?

A. No, sir.

Q. Do you still have that transcript of the Deposition?

A. No sir, I returned it.

Q. Referring you to page 67 of your Deposition, do you remember being asked the question, now do you understand what the procedure was for making changes on the part of the Board of Tax Review in 1982, and your answer was no. Isn't that true?

A. That's right, sir.

Q. It was a no?

A. That's right.

* * * * *

(T.(2)pp. 118-119)

Q. You were asked the question what law prohibits an assessor from recommending changes to the Board of Tax Review?

A. Yes, sir.

Q. And your answer was, I don't know that there's any specific law, wasn't it?

A. Yes, sir.

Q. You didn't say anything about the §12-62 at that time, did you?

A. No, sir. But in all my previous --

Q. No question is pending.

A. Sorry.

Q. You will agree that in this case, the Board of Tax Review made changes in property values in response to change notice issued to the Board by Mrs. Holbrook?

A. Yes, sir.

* * * * *

(T(2)pp. 120-121)

Q. You had never participated in a re-evaluation before, had you?

A. No, sir.

Q. And did you not know who made corrections in assessor's field cards after the Board of Tax Review had made the change in

property value, did you?

A. Yes, sir. I did later on, yes.

Q. But at the time these events went on, you did not know, did you?

A. No, sir.

Q. Now you said before that Mrs. Holbrook was on vacation for a week from you said January 6th to the 13th?

A. Yes, sir.

Q. Prior to Mrs. Holbrook returning from vacation, was the appraised value on your land reviewed by the Reval. Company?

A. Yes, sir.

Q. An was it reduced by an amount of twenty-three hundred dollars?

A. Yes, sir.

Q. And was that reduction based on a claim by you that part of your property was swampy?

A. Yes, sir.

Q. And did that reduction occur while Mrs. Holbrook was in fact on vacation?

A. No, sir.

Q. It did not occur between January 6th and January 14?

Q. No, sir. Not to my knowledge.

Q. When do you claim that that reduction was in fact made?

A. I don't honestly know, sir. I wasn't aware of it until the 19th.

Q. Well are you saying it could not have occurred between January 6th and January 14?

A. Yes, sir.

Q. That's what you are saying?

A. Yes, sir.

Q. But all you know about it, it was made prior to the 19th?

A. Yes, sir, that I know.

Q. And did that reduction come about in connection with a request made by you to Mr. Vigrande of the Reval. Company?

A. No, sir.

* * * * *

(T. (2)pp. 125-126)

Q. After Mrs. Holbrook returned from vacation, did she accuse you of abusing her office as assessor in obtaining that reduction on your own property?

A. Yes, sir.

Q. And did she tell you that other properties on your street were subject to the same problem?

A. Yes, sir.

Q. Did she tell you that if the value was reduced for your property, other properties similarly situated ought to be similarly treated?

A. Yes, sir.

Q. Did the other properties on the street receive a reduction in values similar to yours?

A. Not to my knowledge, sir.

Q. You were the only one that got a reduction?

A. Yes, sir.

* * * * *

(T(2)pp. 130-131)

Q. Will you agree that the accusation made against you initially by Mrs. Holbrook was done orally?

A. Yes, sir.

Q. And it was done to you and not to anyone else?

A. Yes, sir.

Q. Will you also agree that that accusation was made to your face before you brought any charges against Mrs. Holbrook to OPM?

A. Oh, yes, sir.

Q. The accusation that Mrs. Holbrook made orally to you was that it is unethical of you to obtain a reduction on your own property while you were an assessor?

A. Yes, sir.

Q. Now, prior to February 23 of 1982, you had no criticism of Mrs. Holbrook's conduct as an assessor, had you?

A. No, sir.

Q. But, it was on February 23 that the majority of assessors signed that grand list and you refused to sign?

A. Yes, sir.

Q. And your criticism of Mrs. Holbrook was made only after that date?

A. Yes, sir.

* * * * *

(T. (2)pp. 132)

A. No, sir. They weren't in the Assessor's possession.

Q. So you say, Mr. Casazza --

A. Beg your pardon?

Q. So you say, but the records at all times were kept in the Assessor's office?

A. No, sir.

Q. Well, prior to February 23rd, were the records kept other than in the Assessor's office?

A. Yes, sir.

* * * * *

(T(2)pp. 138-140)

Q. And on or shortly after February 23, you began to examine the assessor's records and in particular the field cards?

A. Not on or before, on February 23, exactly, that was the first day I came in to make my review.

Q. That's when you first began this review process?

A. Yes, sir.

Q. And in doing that you prepared a list of some four hundred forth-five odd properties as to which you noticed that erasures had been made on the field cards and corrected figures written in?

A. Not necessarily erasures, sir, they were questions that I wanted to ask the Reval. Company at the same time when I prepared that list.

Q. Well were the bulk of them erasures?

A. Bulk of them were erasures, yes, sir.

Q. And you prepared this list before March 4th of 1982, didn't you?

A. March 2nd was the day I finished, yes, sir.

Q. And you also prepared a list of twenty-seven properties where the assessed values had been changed after the grand list had gone to the BTR, Board of Tax Review?

A. Yes, sir.

Q. Showing you a document marked Plaintiff's Exhibit 5, is that the list of more than four hundred properties that you had prepared by March 2nd?

A. Yes, sir.

Q. And you began preparing that exactly on February 23 of 1982?

A. Yes, sir.

Q. And showing you a document marked Plaintiff's Exhibit 6, is that a list that you also prepared?

A. Yes, sir.

Q. Was that also prepared on March 2nd of 1982?

A. No, sir.

Q. When was that prepared?

A. Sometime the beginning of April.

Q. And is that the list of twenty-seven properties for which you claim that changes had been illegally made after the abstract had been signed?

A. It's not a list of twenty-seven, sir, that's the original list which shows my corrections on here, these are my entries that showing that some of these were proper.

Q. We will refer to this as a list of twenty-seven.

A. Fine.

Q. Are there twenty-seven properties on there?

A. Yes.

Q. Did you write each property on that list?

A. Yes, sir.

Q. And did you submit that list to OPM?

A. No, sir.

Q. Did you submit that to the Connecticut State Assessors Investigator Team?

A. No, sir.

Q. Did you submit that list to the First Selectman in the Town, Mr. Morrison?

A. No, sir.

Q. You mean you didn't submit that list to any of those people?

A. Yes, sir.

Q. Did you hear Mr. Zimbouski (phonetic) testify?

A. Zimbouski?

Q. From OPM?

A. I am sorry, I did.

Q. So you furnished that list of twenty-seven to OPM?

A. Yes, sir.

Q. And you furnished the list of the four hundred forty-five to OPM as well?

A. Yes, sir.

Q. Thank you.— And all of this was done sometime after Mrs. Holbrook had orally accused you of acting irresponsibly as an assessor?

A. Yes, sir, I would have to say that.

* * * * *

(T.(3)pp. 4-5)

Q. Now, before bringing any of these accusations against Mrs. Holbrook, did you ever consult a lawyer?

A. No.

Q. Did you ever consult another assessor except for Mrs. Nordquist, perhaps?

A. No.

Q. Did you ever consult anyone else?

A. No.

* * * * *

(T.(3) 10-11)

Q. Now, on April 28th, was that the date at which you first saw the Assessors' Association Report?

A. Yes, sir.

Q. And was that the report that was signed by Mr. Callahan?

A. Yes, sir.

Q. And did you, on that same date meet with Mr. Morrison?

A. Yes, sir.

Q. And was the purpose of the meeting to discuss the findings of the State Assessors' Association?

A. Yes, sir.

Q. And did someone else attend that meeting?

A. Yes, sir.

Q. Was that Town Counsel for Westbrook, a man named John Larson?

A. Yes, sir.

Q. Anyone else attend the meeting?

A. Mrs. Nordquist.

Q. Anyone beyond that?

A. No, sir.

Q. Now, you disagreed with the findings of

the State Assessors Association, isn't that a fair statement?

* * * * *

(T. (3)pp. 11-14)

A. Yes, sir.

Q. And did you and Gala Nordquist meet to decide what to do about it?

A. No, sir.

Q. Well, the following day on April 29th, did you prepare the contents of a letter to OPM?

A. Yes, sir.

Q. And did Mrs. Nordquist type that letter containing certain charges?

A. Yes, sir.

MR. SULLIVAN: Can I have Exhibit 1, please?

BY MR. SULLIVAN:

Q. Showing you Plaintiff's Exhibit 1, that is the document that we're discussing.

A. Yes, sir.

Q. And you will agree that you suggested

the contents and Mrs. Nordquist typed it up?

A. Yes, sir.

Q. Did you have any discussions with Mrs. Nordquist before this document was prepared?

A. Yes, sir.

Q. And did you do that in a meeting with her?

A. Yes, sir.

Q. On April 29th, did you sign that document?

A. Did I sign it, sir?

Q. Yes.

A. Yes, sir.

Q. And did Mrs. Nordquist sign it in your presence?

A. Yes.

Q. And did you give it to Mr. Morrison to mail it for you?

A. Yes, sir.

Q. And the charge of Mrs. Holbrook having violated the two State statutes referred to in

that exhibit, were entirely your own idea, isn't that true?

A. No, I spoke with Mrs. Nordquist.

Q. You spoke with Mrs. Nordquist?

A. Yes, sir.

Q. And did she agree to submit charges Ed (sic) Holbrook had violated the State's statutes?

A. Yes, sir.

Q. Did you know at the time that she had not read the statutes?

A. I presented them to her at that time and I told her to read them.

Q. Did she read them in your presence?

A. No, sir. She didn't read them, she said I read them, I trust you.

Q. Would you look at page 206 of your Deposition, Mr. Casazza? Lines 16 through 19, and I will again ask you the same question as you answered a moment ago. Was the idea of charging Mrs. Holbrook with these two statutory violations entirely your own idea?

A. No, sir.

Q. At the time of your Deposition, did you not say it was entirely your own idea?

A. If you follow down below that, it's explanatory. You are confining me to just that one particular answer.

Q. Well, did you answer that it was entirely your own idea?

BY MR. SULLIVAN:

Q. That it was entirely your own idea?

A. Yeah.

Q. And then isn't it so that you told Mrs. Nordquist you told her that Holbrook's conduct violated the State's statutes?

A. No, I didn't tell her, sir.

Q. Well, at the time of your Deposition, will you look at page -- lines 20 through 23 on that same page?

A. Yes, sir.

BY MR. SULLIVAN:

Q. That it was entirely your own idea?

A. Yeah.

Q. And then isn't it so that you told Mrs. Nordquist you told her that Holbrook's conduct violated the State's statutes?

A. No, I didn't tell her, sir.

Q. Well, at the time of your Deposition, will you look at page -- lines 20 through 23 on that same page?

A. Yes, sir.

* * * * *

(T.(3)pp. 16-24)

Q. Prior to that time, had Nordquist ever said to you that she thought that Mrs. Holbrook had violated the State statute?

A. Yes, sir.

Q. Would you look at page 207 of your Deposition? Lines 13 through 20.

A. Yes, I see it.

Q. Let me ask you the question again. Did Nordquist ever say to you that she thought a State statute had been violated by Mrs. Holbrook's

conduct?

A. My answer was no.

Q. And you are the ones that brought the statute to her attention, isn't it so?

A. The State statute itself, sir, yes.

Q. Now, in entering these charges, and I am referring now the charges of violating Connecticut General Statutes -- withdraw that. Connecticut General Statute 12-62 is one of the charges you brought against Mrs. Holbrook in that letter to OPM April 29th?

A. Yes, sir.

Q. And that's a statute that has to do with the conduct of municipal assessors?

A. Yes, sir.

Q. And in that same letter to OPM of April 29th, you also charge Mrs. Holbrook with violating State Statute 12-60?

A. Right, sir.

Q. And that's also a statute which governs the conduct of municipal assessors?

A. Yes, sir.

Q. In bringing these charges against Mrs. Holbrook of having violated State statutes governing the conduct of assessors, you had not consulted with any attorney?

A. No.

Q. And you had not consulted with any other assessors except for Mrs. Nordquist, as you have said?

A. Yes, sir.

Q. And in fact you had not consulted with anyone else about these charges?

A. That's right.

Q. You simply examined the texts of these two statutes and made them the basis of your charges?

A. Yes, sir.

Q. Is that a fair statement?

A. Yes, sir.

Q. And in doing that, you didn't examine any of the cases that the courts had reported

concerning interpretation of these statutes, did you?

A. No, sir.

Q. And was your claim that Mrs. Holbrook had violated 12-62 of the General Statutes, based solely on charges in the field card values without obtaining either our concurrence specifically to each change or the concurrence of Mrs. Nordquist?

A. Yes, sir.

Q. And was your claim that Mrs. Holbrook had violated State Statute 12-60, based solely on the twenty-seven changes in assessments that had been made through the Board of Tax Review after the grand list had been signed?

A. Yes, sir.

Q. Now, OPM, we can agree, can't we, is a State Agency that's generally in charge of municipal offices?

A. Yes, sir.

Q. And OPM establishes the standards of conduct for assessors?

A. Yes, sir.

Q. It provides courses in instructing assessors?

A. Yes, sir.

Q. And it certifies assessors who have completed sufficient education to warrant state certification as an assessor?

A. Yes, sir.

Q. Now at the time you sent these charges in or gave them to Mr. Morrison to send in on April 29th, you had already learned that on your list of 445, more than 100 of the charges included in that list had, in fact, been done by the Reval Company?

A. Yes, sir.

Q. And did CPM send in a two-man team composed of Mr. Ziabowski and Mr. Tumora? (phonetic spelling)

A. Yes, sir.

A. Yes, sir.

Q. And was the head of that team Mr.

Zimbouski?

A. Yes, sir.

Q. And was he the same man that appeared in court a week or so ago?

A. Yes, sir.

Q. Were you present when he testified?

A. Yes, sir.

Q. And you met with these officials?

A. Yes, sir.

Q. And did you meet with him on three occasions?

A. There were four actual occasions they were in.

Q. And did you present them with all the data in support of your charges that you wanted to?

A. Yes, sir.

Q. And did you furnish Mr. Zimbouski with a list of the 445 properties?

A. Yes, sir.

Q. Had you reviewed this list with Mr.

Viagrande or anyone from the Revaluation Company before giving it to Mr. Zimbouski?

A. When you say, "review", there were discussions, but not a review.

Q. Is your answer then that now, you did not review it --

A. Not completely.

Q. With Mr. Viagrande? Does that mean that you reviewed it to some extent with him?

A. Yes, sir.

Q. Would you look at page 156 of your Deposition?

A. What line, sir?

Q. Right at the bottom, lines 22 to 25, and on page 157 at the top two lines.

A. That's right, sir.

Q. Let me ask you the question again. Had you, prior to giving this list to Mr. Zimbouski, reviewed it with Mr. Viagrande?

A. No, not the entire list, sir.

Q. You hadn't reviewed it with him at all?

A. At the March 22 meeting we had discussed the list, yes.

Q. He had never seen the list before, had he?

A. No, he had never seen the list. We discussed the changes.

Q. In developing the statutory villation (sic) charges that you accused Mrs. Holbrook of, you took another Statute, namely 12-113, which pertains only to Board of Tax Review?

A. Yes, sir.

Q. And you attributed its guidelines to assessors as well?

A. Yes, sir. That wasn't in my charge, sir.

Q. When you met with the OPM officials on those four occasions that you mentioned a moment ago, you made further accusations against Mrs. Holbrook in addition to those statutory violations set out in your letter of April 29th?

A. No, sir.

Q. You did not make additional accusations?

A. No, sir.

Q. Did you tell Mr. Zimbouski or did you accuse Mrs. Holbrook to Mr. Zimbouski of having improperly lowered values on properties owned by her family?

A. Yes, sir.

Q. Did you tell Mr. Zimbouski that the list of twenty-seven charges that you had prepared did not constitute clerical error corrections?

A. Part of it sir, yes, sir.

Q. Would you look at page 165 of your Deposition? Lines 9 through 13. And let me ask you the question again when you are ready. When you furnished the list of twenty-seven to the investigator from OPM, did you tell them the list of twenty-seven properties represented changes made by the assessors that did not constitute clerical error?

A. Yes, sir.

Q. And did you furnish that list in support -

of the charges that had been made in your letter of April 29th to OPM?

A. Yes, sir.

Q. Your accusation was that Mrs. Holbrook had made changes in the grand list after it had been signed and turned over to the Board of Tax Review, isn't that true?

A. Yes, sir.

Q. -But you don't claim that Mrs. Holbrook directly made those changes, do you?

A. Changes where, sir?

Q. In the grand list itself.

A. Not in the grand list, sir, in the field cards.

Q. Your contention was that Mrs. Holbrook had affected changes in assessed values after the statutory deadline in which to do so had, in fact, passed?

A. Yes, sir.

Q. Did you also tell the OPM investigators that Mrs. Holbrook had reduced value on Essex Road

properties in which her husband had an interest?

A. Yes, sir.

Q. Would you like to correct the statement you made awhile ago that you did not bring any additional accusations or charges against Mrs. Holbrook during your meetings with the OPM investigators?

A. No, sir, because these were part of the original charges. They were clarifications of the original charges that were contained in the list of 445.

Q. These were elaborations on the two statutory violations charges?

A. Yes, sir.

Q. And they were contained in that list of the 445, so they weren't additional charges?

A. No, sir.

Q. Well, did the list of 445 go to OPM with your letter of April 29th?

A. No, sir.

Q. You gave that to the investigators

during their investigation?

A. The first meeting sir, yes, sir.

Q. And you elaborated on the charges and accusations that you were bringing against Mrs. Holbrook?

A. Elaborated, yes, sir.

Q. Did you tell the OPM investigators that Mrs. Holbrook had improperly designated property as landlocked when it was not?

A. Yes, sir.

Q. Did you tell OPM that Mrs. Holbrook had improperly combined abutting lots to reduce the total assessed value to property owners?

A. Yes, sir.

Q. And OPM found that all of these charges and accusations were untrue?

A. Well, I've -- well --

Q. Isn't that true?

A. Yes, sir. Yes, sir.

Q. Did you tell OPM that you had done no work in the revaluation process?

A. Yes, sir. Basically.

Q. Now the OPM report was issued sometime in June?

A. June 22 it's dated. June 22 it was delivered on June 24.

* * * * *

(T(3)pp. 26-30)

BY MR. SULLIVAN:

Q. You rejected the findings of Mr. Zimbouski and Mr. Tumora as inaccurate, isn't that true?

A. Yes, sir.

Q. And you requested the investigation be re-opened?

A. Yes, sir.

Q. And you asked OPM to give you copies of the cases cited in its report?

A. Yes, sir.

Q. And finally, on August 24th of 1982, did you write a four-page letter to Mr. Milano, who is head of OPM?

A. Yes, sir.

Q. Showing you Defendant's Exhibit A, which is a four-page letter addressed to Mr. Anthony Milano, will you tell me if that letter was signed by you?

A. Yes, sir.

Q. That is your signature?

A. Yes, sir.

Q. I will just leave it here for the moment. Now did you understand that Mr. Milano was the head of the OPM Agency?

A. Yes, sir.

Q. And did you understand that at the time you wrote this letter?

A. Oh, yes, sir.

Q. As head of the agency, did you understand that Mr. Milano was Mr. Zimbouski's superior?

A. Yes, sir.

Q. And did you complain to Mr. Milano about the inaccuracies of the finding of Mr. Zimbouski

and Mr. Tumora's report?

A. Yes, sir.

Q. And did you accuse in that letter Holbrook of erasing and reducing values of properties in which her husband had a part ownership?

A. Yes, sir.

Q. And were you referring, in doing that, to the fact that Mr. Holbrook had a mortgage and a piece of property?

A. That and others, sir.

Q. Is that what you meant by "part ownership"?

A. Yes, sir.

Q. In your letter to Mr. Milano, did you accuse Mrs. Holbrook of improperly classifying properties as landlocked?

A. Yes, sir.

Q. And did you further accuse her of improperly combining these properties to reduce their values?

A. Yes, sir.

Q. Did you further accuse her in that letter of improperly valuing a junkyard in town?

A. Yes, sir.

Q. Did you accuse Mrs. Holbrook also in that letter of not obtaining the concurrence of at least one other board member before establishing the values on the properties about which you were complaining?

A. Yes, sir.

Q. Did you further accuse her of improperly reducing the value of the Woodstock property?

A. Yes, sir.

Q. Did you admit that some of the entries in that list of twenty-seven, that is the changes that were made after the grand list was signed, did you come to admit that some of them were clerical errors?

A. Yes, sir. They were so noted.

Q. How many do you admit were clerical errors out of the twenty-seven?

A. I don't know offhand, sir. I would have to look at the list.

Q. I would be glad to provide you with the list. (Whereupon counsel hands such list to the witness.)

A. Nine, sir.

Q. You still contend that eighteen out of the twenty-seven were not clerical error corrections?

A. Yes, sir. Yes, sir.

Q. Did you, in your letter to Mr. Milano in August of 1982, complain that the Board of Tax Review had violated Statute 12-113 by reducing assessed values without requiring property owners to appear before it?

A. Yes, sir.

Q. And did you, in your letter to Mr. Milano, make the claim that the Statute 12-113 limited the Board of Tax Review --

A. Yes, sir.

Q. -- in its function? And did you further

dispute the OPM findings that erasures on the field cards were not illegal?

A. Yes, sir.

Q. And finally, did you claim that Mrs. Nordquist, your fellow assessor, had been duped into signing the grand list?

A. Yes, sir.

Q. Was that your conclusion or something that came from her?

A. That was my conclusion, sir.

Q. Now, in the accusations which you brought against Mrs. Holbrook, whether you call them elaborations or individual accusations, you accused her of favoritism in establishing the assessed values for properties, isn't that true?

A. The word bothers me. The meaning doesn't, but the word bothers me.

* * * * *

(T.(3)pp. 33)

THE COURT: You object to the word "favoritism". How would you characterize it?

THE WITNESS: What I actually said was, "she took care of her family and friends." That was my --

THE COURT: You said that the Plaintiff took care of her family and friends? Now, who did you say this to?

THE WITNESS: Who? I said this to OPM.

THE WITNESS: Yes.

THE COURT: All right. Now, you've read your Deposition at the point that Mr. Sullivan directed you to?

THE WITNESS: Yes, sir.

THE COURT: Is there anything about that last statement that you --

THE WITNESS: Just the words, sir. If he had asked me the question as it relates -- if he had asked me the question and stated, "had you made a charge that she took care of her family and friends," I would have answered yes, sir.

THE COURT: All right.

* * * * *

(T. (3)pp. 37)

BY MR. SULLIVAN:

Q. Did you also to OPM accuse Mrs. Holbrook of dereliction of her duties as Assessor?

A. The word "dereliction", I don't know, sir. Will you explain that to me?

Q. Will you look at your Deposition, page 223, line 13 through 16.

A. Yes, sir. Yes, sir.

Q. Did you recognize at the time you made these accusations, that you were accusing Mrs. Holbrook of dereliction in violation of her duties as an Assessor?

A. Yes, sir.

Q. Did you also accuse Mrs. Holbrook of violating another statute, a Wetland Statute, namely 22a-45?

A. No, sir.

Q. At a meeting with Mr. Morrison on March

10th, did you raise the claim that Mrs. Holbrook had improperly used wetland consideration to affect an assessed value?

A. No, sir.

Q. Is it your testimony today that you did not accuse Mrs. Holbrook of violating 22a-45 of the General Statutes?

A. I didn't accuse her, sir. I asked her why she hadn't followed the procedures.

* * * * *

(T.(3)pp. 44-45)

Q. And will you tell the ladies and gentlemen of the jury what your claim was with respect to Mrs. Holbrook's conduct in the Wetlands Statute?

A. Actually, you were to receive a letter from a tax payer asking for recognition of the fact that you had wetlands and you were seeking a reduction on the basis that you couldn't use the wetlands.

Q. Let me see if I understand that. It was

your opinion and belief that before an assessor could apply wetlands as a factor to reduce the accused value of property, there had to be some sort of letter from the owner showing that he or she had been denied permission to conduct a regulated activity?

A. That they might be denied. It doesn't necessarily say the word "may" is in there.

Q. It had to be something from the Wetland's Commission showing a restriction on the owner's use?

A. Not necessarily, no, sir. It would have to be a letter from the tax payer indicating that there was wetlands there and there may be a possibility that they couldn't use that property because of the wetlands and they wanted consideration based on the fact that they might not be able to use it.

Q. When you obtained a reduction in your own property because of swamp on your property, did you send a letter to anyone?

A. Mr. Sullivan, there's a difference between wetland and swamp.

Q. Do you believe that to be true?

A. Yes, sir.

Q. Have you read the wetland's definition of wetland, the Statutory definition?

A. Yes, sir.

Q. And do you know it includes swamp as a definition of wetland?

A. Not as earmarked on the swamps in the town of Westbrook, sir.

Q. We are talking about the Statute.

A. Well, I'll read it again.

Q. Do you have it with you?

A. Yes, sir.

Q. Do you have the definitions?

A. Definitions, sir? No, sir. Just the Statute.

Q. It's in the Statute.

* * * * *

(T.(3)pp. 47-48)

Q. Let's find the one that -- I guess we want 22a-37 and 22a-38. But you agree that that applies to inland wetlands?

A. If you let me read it.

MR. ERRANTE: Which Statute is the witness reading now?

MR. SULLIVAN: Twenty-two a-thirty-eight.

MR. ERRANTE: Thirty-eight, thank you.

THE WITNESS: Yes, sir.

BY MR. SULLIVAN:

Q. From what you said a moment ago, I take it the wetland of such it was that affected your property was not title in nature?

A. It isn't inland either, sir.

Q. And if anything, it would go under inland wetland?

Q. And have you ever seen this Statute before, 22a-38?

A. No, sir.

* * * * *

(T.(3)pp. 94)

Q. And is it so that once Joan Holbrook returned from vacation, you put no more time in the office until February 23?

A. Yes, sir.

* * * * *

(T.(3)pp. 95)

BY MR. SULLIVAN:

Q. The time that you put in there from February 23rd on was a good part of that time spent investigating the records in connection with charges that you were bringing against Holbrook?

A. Yes, sir.

Q. And were you paid for that time as assessor?

(T.(3)pp. 101-104)

Q. My question to you is, whether you had ever asked her to review the basis for each of the changes?

A. Not at that time, no.

Q. Did you ever do it?

A. March 10th meeting.

Q. This was at the meeting that took place with the selectman?

A. Yes, sir.

Q. This was after you had at least instituted some of the charges that you were bringing against her?

A. No, sir. There were no charges at that time. The meeting of March 10th was called to try to straighten this thing out before it went any further.

Q. Are you testifying that on March 10th you asked her to review with you what the basis for the change had been on each of the cards where you had noticed a correction?

A. Not all of them, sir, we took specific ones.

Q. Isn't it so that you were dealing with marinas, farm lands and junkyards only at that point in time?

A. Well, there were a couple of others, sir.

Q. To others by a "couple"?

A. Well I don't know how many really.

Q. But as to the others, you didn't ask her about them?

A. Not at that point, no.

Q. Later?

A. No. I can't say that I did.

Q. What were the two others that you mentioned in addition to the farm?

A. One was Borton. I don't recall what the others were offhand.

Q. Bordon?

A. Borton, B-O-R-T-O-N, sir.

Q. B-O-R-T-O-N?

A. Borton, B-O-R-T-O-N.

Q. George Borton?

A. Yes, sir.

Q. And you don't remember the other one?

A. Offhand, I don't.

Q. Did Mrs. Holbrook ever offer any basis

for the changes made on the field cards?

A. At that point I asked Mr. Viagrande if he had made the change.

Q. I am sorry, then perhaps again we're cross-talking. I asked you whether you had asked Mrs. Holbrook to explain, I thought you said yes.

A. And then Mrs. Holbrook explained that she made the change.

Q. Did you ask her the basis for the changes on these cards that had been made?

A. I asked Mr. Viagrande to explain what had been done and then Mrs. Holbrook said that she put a ten percent deduction on for rear lot.

Q. And that is only for Borton, isn't that so?

A. Yes, sir.

Q. Well, did you ask her to explain the basis for any changes or corrections in terms of farm, the junkyard and the marinas?

A. Yes, sir.

Q. Are you saying that changes had been

made in the field cards for the farm land?

A. No, sir.

Q. So the only one you are talking about is the junkyard?

A. Yes, sir.

Q. Did she explain to you what the basis for that had been?

A. Which one?

Q. You already mentioned Borton, the only other one is the junkyard. Did she offer you an explanation?

A. Yes, sir.

Q. Was that explanation satisfactory to you?

A. No, sir.

Q. And so you pursued that particular matter?

A. Yes, sir.

Q. And I take it from your testimony that as to any of the other changes on the field cards, you did not ask Mrs. Holbrook specifically to sit

down and review the basis for the changes she had made with you?

A. Mrs. Holbrook, at one point, admitted that she had made the changes. She said, let's not beat around the bush.

Q. Mr. Casazza, I don't want to insist upon taking your point that you all have heard many times. I would like you to answer the question. Whether, apart from what you've just said, at any time you asked Mrs. Holbrook and explain the basis for the changes that she had made, and has always admitted having made?

* * * * *

(T.(3)pp. 105-106)-

BY MR. SULLIVAN:

Q. Do you remember the question?

A. Yes, sir.

Q. Will you answer it, please?

A. I can't answer it.

Q. Is it so, Mr. Casazza, that you never accused Mrs. Holbrook of lowering the value on any

specific marina? That is, you didn't isolate a specific marina, such as her husband's, and accuse her of lowering the value?

A. I never accused her of lowering it, mechanically.

Q. Of course not. Your accusation about the marina was directed at all of the marinas in the Town of Westbrook?

A. Yes, sir.

Q. And your complaint about that was that you felt that the per acre value assigned by the assessor was too low?

A. Yes.

Q. But you never pointed out to her, or claimed that she had altered her husband's marina's assessed value in any particular way? Isn't that true?

A. Well, let me think. Yes, sir.

Q. Now, Mr. Zimbouski, when he was here, testified that you had also accused Mrs. Holbrook of increasing persons in her disfavor, Wilcox and

Willa. Will you tell us, beginning with Mr. Zimbouski, what the basis for that complaint was?

A. I have no complaint with that, because at the time it was done, I agreed with Mrs. Holbrook, actually.

* * * * *

(T.(3)pp. 108)

BY MR. SULLIVAN:

Q. Did you tell Mr. Zimbouski that, with respect to a person named wilcox, Mrs. Holbrook had increased his assessments because he was in her disfavor? He or she? Do you deny that?

A. I don't deny it. I know the cards are there, and I asked her to have a look at them so I could see.

* * * * *

HOLBROOK V. NORDQUIST

MEMORANDUM OF DECISION
RE: DEFENDANT'S MOTION FOR
JUDGMENT N.O.V.

In this libel and slander action, the jury returned a verdict in favor of the plaintiff.

The court having reserved decision on the defendant's motion for a directed verdict, the defendant now seeks a judgment N.O.V.

The defendant claims that the plaintiff failed to sustain her burden of proof both as to the falsity of the statements and as to their utterance or publication with malice. In this lengthy trial, there was an abundance of evidence supportive of the plaintiff's claims. Testimonial evidence included acknowledgement by the defendant that she made certain accusations against the plaintiff concerning her official conduct as chairman of the Westbrook Board of Assessors. Documentary evidence included numerous newspaper articles based on these allegations and resulting investigations.

In deciding this matter, the court is required to review the evidence in the light most favorable to sustaining the verdict. Herb v. Kerr, 190 Conn. 136, 140 (1983); Douglass v. 95 Pearl Street Corp., 157 Conn. 73 (1968). Conclusions as to facts, the credibility of the witnesses and the weight to be afforded the testimony of witnesses are matters for the determination of the jury. In the opinion of the court, the jury, based on all the evidence presented, could have reasonably found (1) that the defendant uttered and published defamatory statements about her; (2) that such defamatory statements were false; and (3) that the defendant acted with actual malice in uttering and publishing such defamatory statements.

The defendant's plea to set aside the verdict and enter judgment in accordance with her motion for a directed verdict is denied.

HOLBROOK V. NORDQUIST
RE: DEFENDANT'S MOTION
TO SET ASIDE VERDICT

In this libel and slander action, the jury awarded the following damages: (1) \$7,000.00 as general damages; (2) \$45,250.00 as special damages; and (3) \$17,416.00 and \$1,950.00 as exemplary damages.

In her motion to set aside the verdict, the defendant contends that the verdict was contrary to the law, against the weight of evidence and excessive. In the opinion of the court, this verdict is sustainable both in law and fact as is more fully set forth in this court's Memorandum of Decision, dated September 9, 1985, regarding the defendant's motion for judgment N.O.V.

The defendant makes additional legal arguments in this motion. The first of these concerns the award of exemplary damages. The jury followed the instructions of the court in awarding the sum of \$17,416.00, representing the plaintiff's attorney's fees at the rate of

one-third of the sum of the awards for general and special damages. The smaller additional award for exemplary damages was apparently the jury's attempt to award the plaintiff a sum for other expenses in connection with this lawsuit and its companion case, Holbrook v. Casazza, Docket No. 38546, Superior Court, J.D. Middlesex.1. The court instructed the jury that the total of such expenses was \$3,982.44. It should have awarded to the plaintiff part of this amount from each defendant in the same proportion as it did the other damages. Accordingly, a remittitur of \$954.00 is ordered with respect to the award of exemplary damages.

The defendant claims that the court erred in not redefining the standard of proof of clear and convincing evidence in response to a question from the jury seeking a redefinition of malice (Court's Exhibit 2). The court answered the specific question directly and to the jurors' apparent satisfaction.

The court does not find the unmistakable error and unquestionable harm required to set aside a verdict on the ground of error in the court's instructions. See Gaul v. Noiva, 155 Conn. 218, 220 (1967).

The defendant claims further that the verdict should be set aside because of the court's failure to administer the juror's oath to an alternate juror when she assumed the status of juror. A reading of the oath for alternate jurors in civil causes, contained in General Statutes Sec. 1-25, reveals the lack of merit in the defendant's claim. The juror involved was administered this oath at the outset of the trial when she had the status of alternate juror. Additionally, the defendant made no objection during trial regarding the court's procedure.

The defendant also claims that the verdict should be set aside because of the court's ruling on the admissibility of proposed testimony of a real estate appraiser, Edward Heberger. The court

reaffirms its evidentiary ruling to which the defendant took exception.

The defendant's next claim as to why the verdict should be set aside involves her assertion that the jury was unduly prejudiced by plaintiff's counsel's reference to prior settlement negotiations by town officials. No questions regarding settlement negotiations were permitted by the court and the jury was promptly instructed by the court to disregard any reference to the payment of attorneys' fees by the town of Westbrook.

Finally, the defendant claims the verdict was excessive and could only have been rendered if the jury was prejudiced or inflamed. The court finds no merit whatsoever to this claim. The size of the verdict was not so large as to compel the conclusion that the jurors were influenced by partiality, prejudice, mistake or corruption.

The motion to set aside the verdict is denied and judgment may enter for the plaintiff in

accordance with the verdict as corrected by the
aforesaid remittitur.

HOLBROOK V. CASAZZA
MEMORANDUM OF DECISION RE:
DEFENDANT'S MOTION FOR
JUDGMENT N.O.V.

In this libel and slander action, the jury returned a verdict in favor of the plaintiff. The court having reserved decision on the defendant's motion for a directed verdict, the defendant now seeks a judgment N.O.V.

The defendant claims that the plaintiff failed to sustain her burden of proof both as to the falsity of the statements and as to their utterance or publication with malice. In this lengthy trial, there was an abundance of evidence supportive of the plaintiff's claims. Testimonial evidence included acknowledgement by the defendant that he made certain accusations against the plaintiff concerning her official conduct as chairman of the Westbrook Board of Assessors. Documentary evidence included numerous newspaper articles based on these allegations and resulting investigations.

In deciding this matter, the court is required to review this evidence in the light most favorable to sustaining the verdict. Herb v. Kerr, 190 Conn. 136, 140 (1983); Douglass v. 95 Pearl Street Corp., 157 Conn. 73 (1968). Conclusions as to facts, the credibility of the witnesses and the weight to be afforded the testimony of witnesses are matters for the determination of the jury. In the opinion of the court, the jury, based on all the evidence presented, could have reasonably found (1) that the defendant uttered and published defamatory statements about her; (2) that such defamatory statements were false; and (3) that the defendant acted with actual malice in uttering and publishing such defamatory statements.

The defendant's plea to set aside the verdict and enter judgment in accordance with his motion for a directed verdict is denied.

HOLBROOK V. CASAZZA
MEMORANDUM OF DECISION
RE: DEFENDANT'S MOTION
TO SET ASIDE VERDICT

In this libel and slander action, the jury awarded the plaintiff the following damages: (1) \$21,000.00 as general damages; (2) \$135,750.00 as special damages; and (3) \$52,251.00 and \$5,860.00 as exemplary damages.

In his motion to set aside the verdict, the defendant contends that the verdict was contrary to the law, against the weight of evidence and excessive. In the opinion of the court, this verdict is sustainable both in law and fact as is more fully set forth in the court's Memorandum of Decision dated September 9, 1985, regarding the defendant's motion for judgment N.O.V.

The defendant makes additional legal arguments in this motion. The first of these concerns the award of exemplary damages. The jury followed the instructions of the court in awarding the sum of \$52,251.00, representing the

plaintiff's attorney's fees at the rate of one-third of the sum of the awards for general and special damages. The small additional award for exemplary damages was apparently the jury's attempt to award the plaintiff a sum for other expenses in connection with this lawsuit and its companion case, Holbrook v. Nordquist, Docket No. 38547, Superior Court, J.D. Middlesex.1. The court instructed the jury that the total of such expenses was \$3,982.44. It should have awarded to the plaintiff part of this amount from each defendant in the same proportion as it did the other damages. Accordingly, a remittitur of \$2,874.00 is ordered with respect to the award of exemplary damages.

The defendant claims that the court erred in not redefining the standard of proof of clear and convincing evidence in response to a question from the jury seeking a redefinition of malice. (Court's Exhibit 2). The court answered the specific question directly and to the jurors'

apparent satisfaction. The court does not find the unmistakable error and unquestionable harm required to set aside a verdict on the ground of error in the court's instructions. See Gaul v. Noiva, 155 Conn. 218, 220 (1967).

The defendant claims further that the verdict should be set aside because of the court's failure to administer the juror's oath to an alternate juror when she assumed the status of juror. A reading of the oath for alternate jurors in civil causes, contained in General Statutes Sec. 1-25, reveals the lack of merit in the defendant's claim. The juror involved was administered this oath at the outset of the trial when she had the status of alternate juror. Additionally, the defendant made no objection during trial regarding the court's procedure.

The defendant also claims that the verdict should be set aside because of the court's ruling on the admissibility of proposed testimony of a real estate appraiser, Edward Heberger. The court

reaffirms its evidentiary ruling to which the defendant took exception.

The defendant's next claim as to why the verdict should be set aside involves his assertion that the jury was unduly prejudiced by plaintiff's counsel's reference to prior settlement negotiations by town officials. No questions regarding settlement negotiations were permitted by the court and the jury was promptly instructed by the court to disregard any reference to the payment of attorneys' fees by the town of Westbrook.

Finally, the defendant claims the verdict was excessive and could only have been rendered if the jury was prejudiced or inflamed. The court finds no merit whatsoever to this claim. The size of the verdict was not so large as to compel the conclusion that the jurors were influenced by partiality, prejudice, mistake or corruption.

The motion to set aside the verdict is denied and judgment may enter for the plaintiff in

accordance with the verdict as corrected by the
aforesaid remittitur.